#473

BILL NO. Z-91-04-13

ZONING MAP ORDINANCE NO. Z-07-91

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R-1 (Single Family Residential) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Starting at the southwest corner of the northwest quarter of Section 8, Township 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, then proceeding east along the quarter section line 1190 feet to the intersection with the west right-of-way line of Reckeweg Road; thence North along the west right-of-way line along Reckeweg Road, 1610 feet to the southeast corner of Lot #3 in the Terrace Estates Addition, thence west along the south property line of said Lot #3 to the southwest property corner of Lot #16, Terrace Estates, thence 635 feet along the west property lines of Lots 17 through 22, to a point on the northwest corner of Lot #23, Terrace Estates Addition, thence east along the north line of Lot #23 projected, 980 feet to the west right-of-way line of Reckeweg Road, thence south along the west right-of-way line of Reckeweg Road, 632 feet from the point of beginning. ALSO: Beginning at the northwest corner of the northwest quarter Section 8, Township 30 North, Range 12 East, of Wayne Township; thence East 1190 feet, more or less, to a point at the intersection of the projected West right-of-way line of Reckeweg Road; thence south along the west right-of-way of Reckeweg Road 315 feet to the point of beginning; thence west 460 feet, more or less, to a point on the east property line of the parcel known as 5017 Illinois Road; thence south along said property line 139 feet; thence east and parallel to the north quarter section line approximately 464 feet, more or less, to a point on the west right-of-way line on Reckeweg Road; thence north along said right-of-way line 139 feet to the point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. F-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the

#477

Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY McCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Henry, seconded by Bradbury, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 4-9-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8		1	
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG			✓	
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 5-14-91.

Sandra E. Kennedy by
SANDRA E. KENNEDY, CITY CLERK
Nadyda Eckert, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. 2-07-91 on the 14th day of May, 19 91

ATTEST: (SEAL)

Sandra E. Kennedy by
SANDRA E. KENNEDY, CITY CLERK
Nadyda Eckert, Deputy Clerk

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of May, 19 91, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy by
SANDRA E. KENNEDY, CITY CLERK
Nadyda Eckert, Deputy Clerk

Approved and signed by me this 15th day of May, 19 91, at the hour of 7:00 o'clock P.M.,E.S.T.

PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN. GENERAL FORM NO. 332

RECEIPT

№ 10819

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., Feb 26 19 91

RECEIVED FROM JANE HAFLICH $ 100 00

THE SUM OF One Hundred and NO/100's DOLLARS

ON ACCOUNT OF Rezoning - Terrace Est. Neighborhood

W. E. O'

AUTHORIZED SIGNATURE

PAID BY: CASH ☑ CHECK ☐ M.O. ☐

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/WE, The Terrace Estates Neighborhood
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RA District to a/an R1 District, the property described as follows:

See attached document

(LEGAL DESCRIPTION) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY TO BE INCLUDED: _____

WISTERIA LN.; GARDENIA LN.; DAFFODIL LN.; PORTION OF RECKEWEG RD. NORTHWEST OF INTERSECTION OF WISTERIA LN. AND RECKEWEG RD.
(General Description - For Planning Staff Only)

I/WE, the undersigned, certify that I am/we are the owner(s) of fifty-one percentum (51%) or more of the property described in this Petition.

(NAME)	(ADDRESS)	(SIGNATURE)

(If additional space is needed, please use reverse side)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES:

All requests for deferrals, continuances, withdrawals, or requests that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prio to the publication of the legal ad being published, the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to b considered. The Plan Commission staff will not accept requests from petitioners for deferrals, continuances, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE IS $100.00)

Name and address of the preparer, attorney or agent:

JANE HAFLICH (NAME)	5024 Wisteria Lane 46804 (ADDRESS & ZIP CODE)	(219) 432-5780 (TELEPHONE)

COMMUNITY DEVELOPMENT & PLANNING/Division of Long-Range Planning & Zoning and (CITY PLAN COMMISSION)/Room 830, City-County Building, One Main Street, Fort Wayne, Indiana 46802 (TELEPHONE: (219) 427-1140).

Applicants, property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal description of property to be rezoned:

Starting at the southwest corner of the northwest quarter of Section 8, Township 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, then proceeding east along the quarter section line 1190 feet to the intersection with the west right-of-way lane of Reckeweg Road: thence North along west right-of-way line along Reckeweg Road, 1610 feet to the southeast corner of Lot #3 in the Terrace Estates Addition, thence west along the south property line of said Lot #3 ~~projected 172 feet along~~ to the southwest property corner of Lot #16, Terrace Estates, thence 635 feet along the west property lines of Lots 17 through 22, to a point on the northwest corner of Lot #23, Terrace Estates Addition, thence east along the north line of Lot #23 projected, 980 feet to the west right-of-way line of Reckeweg Road, thence south along the west right-of-way line of Reckeweg Road, 632 feet from the point of beginning.

OWNERS OF PROPERTY:

(NAME)	(ADDRESS)	(SIGNATURE)

NOTE: ALL CHECKS ARE TO BE MADE PAYABLE TO: CITY OF FORT WAYNE.

This form is to be filed in DUPLICATE.

NOTICE: FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

*

Also:

Beginning at the West corner of the Northwest ¼ Section 8, T. 30 N., R. 12 E. of Wayne Township, thence East 1190 feet, more or less, to a point at the intersection of the projected West Right of Way line of Reckeweg Rd., thence South along the West Right of Way of Reckeweg Rd. 315 ft. to the point of beginning. thence West 460 ft., more or less, to a point on the east property line of the parcel known as 5017 Illinois Rd., thence South along said property line 139 feet. Thence East and parallel to the North ¼ Section line approx. 464 ft., more or less, to a point on the West Right of Way line on Reckeweg Rd., thence North along said Rt. of Way line 139 feet to the point of beginning.

OWNERS OF PROPERTY

	NAME	ADDRESS	SIGNATURE
1.	R E Chrzan	5030 Daffodil Dr	R E Chrzan
	Virginia Chrzan	5030 Daffodil	Virginia L. Chrzan
2.	Jane Haflich	5024 Wisteria Lane	Jane Haflich
3	Wayne E Pelz	4930 Wisteria Lane	Wayne E Pelz
	~~Virginia Pelz~~	4930 Wisteria Lane	~~Virginia Pelz~~
4	GERALD JUDY	4929 Wisteria Lane	Gerald Judy
	NELLA FAYE JUDY	4929 Wisteria Lane	Nella Faye Judy
	WES ~~STOPPENH~~ STOPPENH	5011 WISTERIA LN	Wes ~~Stoppenh~~
	Colleen Stoppenhagen	5011 Wisteria Lane	Colleen ~~Stoppenh~~
	JOANN EZELL	5111 Wisteria Ln.	JoAnn Ezell
8.	Mike Stechbeck	1326 Gardenia Ln	Mike Stechbeck
	Olive Blanton	5030 Wisteria La	Olive L Blanton
7.	Clarence Dowling	5110 Wisteria	Clarence Dowling
2.	Lester F. Knipstein	5031 Daffodil	LESTER F. KNIPSTEIN
1.	Vickie L. Green	5021 Daffodil Dr.	Vickie L. Green
2	Christel O'Keefe	1308 Gardenia Ln.	Christel O'Keefe
	Elmer O'Keefe	1308 Gardenia Ln	Elmer O'Keefe
3.	James Crofton	5014 Wisteria Lane	James Crofton
4.	BARBARA C. DAVIES	5121 WISTERIA LN	Barbara C. Davies
5	Royal B. Davies	5121 Wisteria Lane	Royal B. Davies
6	Sara A. Johnson	1332 Gardenia Ln.	Sara A. Johnson
7.	E. J. Town	5110 Daffodil Dr.	E. J. Town
8	Donna Latter	5020 Daffodil Dr	Donna Latter

OWNERS OF PROPERTY

NAME	ADDRESS	SIGNATURE
DAN REBMAN	4940 Wisteria	Dan Rebman
J. Mike Bintliff	1320 Gardenia Ln	J. Mike Bintliff
DAVID LONG	1315 GARDENIA LN.	David Long
MELISSA LONG	1315 GARDENIA LN.	Melissa Long
GARY R. GREEN	5021 Daffodil Dr.	Gary R. Green
Lois PELZ	1314 GARDENIA LN	Lois Pelz
Doug PELZ	1314 Gardenia LN	Douglas J. Pelz
CLARA louise Hott	5021 WISTERIA LN.	Clara Louise Hott
JAMES D. STEELE	4939 WISTERIA LN.	James D. Steele

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 9, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-04-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 15, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 22, 1991.

Certified and signed this
23rd day of April 1991.

Robert Hutner
Secretary

#4772

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Lots 1 through 14 in Section A and Lot 14 through 26 in Section B in Terrace Gardens Estate Addition and a 537 foot x 489 foot parcel, more or less, adjacent to Terrace Gardens estate, fronting on the west side of Reckeweg Road in the 1300 Block.

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential. Property will become R-1 - Single Family Residential.

Z-91-04-13

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-91-04-13
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment

From RA ro R-1

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
The west side of Reckeweg Road, including the Terrace Estates Addition & the ground located at its immediate northeast corner.

Reason for Project

Preservation of single family residential integrity.

Discussion (Including relationship to other Council actions)

15 April 1991 - Public Hearing

Jane Haflich, 5024 Wisteria Lane appeared before the Commission. Ms. Haflich stated that she, along with 23 of her neighbors, is requesting the rezoning from RA to R-1 so that there residential area will remain residential. She stated that they do not want any businesses in their area.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.

22 April 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council witb a DO PASS recommendation.

Of the nine (9) members present, seven (7) voted for the motion, one (1) abstained and one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Jane Haflich, representing 23 area residents **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[x] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [x] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 26 February 1991

Projected Completion or Occupancy — Date 23 April 1991

Fact Sheet Prepared by — Date 23 April 1991
Patricia Biancaniello

Reviewed by — Date 4-24-91
K. Maglione

Reference or Case Number

BILL NO. Z-91-04-13

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. F-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC

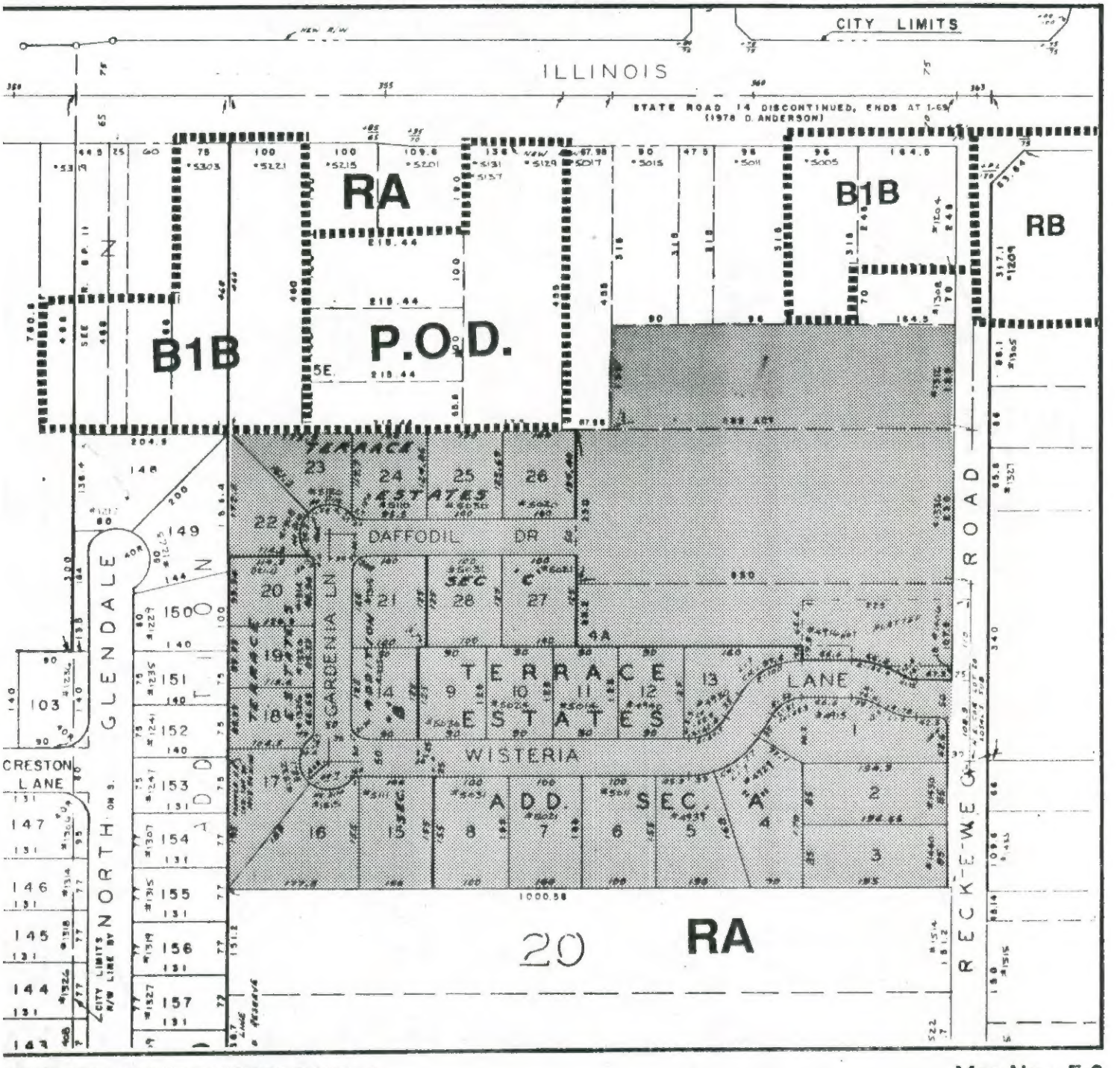
DATED: 5-14-91

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #472



COUNCILMANIC DISTRICT NO. 4

Map No.: F-2
LW 3-21-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park